

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

VICTOR KEEYLEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-02395-JPH-DLP
	)	
PAUL TALBOT,	)	
CORIZON MEDICAL SERVICES,	)	
WEXFORD OF INDIANA, LLC,	)	
JERRY GILLEY,	)	
CAROLYN MYERS,	)	
SAMANTHA ALBERSON,	)	
Mrs. LAFLOWERS,	)	
DANIELLE THOMPSON,	)	
REBECCA DAVIS,	)	
JONATHAN GRIMES,	)	
DALE PLUMBER,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Victor Keeylen sued defendant Nurse Jonathan Grimes. On August 31, 2020, Mr. Keeylen filed a motion for summary judgment against Mr. Grimes. Dkt. 265. Less than a month later, on September 10, 2020, Mr. Keeylen filed a motion titled, "Plaintiff's Request to the Courts that Defendant J. Grimes Admissions and/or Interrogatories be Entered as True and Factual." Dkt. 268. Mr. Grimes opposed both motions. *See* dkts. 267 and 272. No reply was filed. Mr. Keeylen argues in both motions that he is entitled to relief because Mr. Grimes failed to timely respond to his discovery requests. In response, Mr. Grimes argues that the pending motions are better understood as motions to compel. For the reasons explained below, Mr. Keeylen's motion for summary judgment, dkt [265], and motion to accept as true requests for admissions, dkt [268], are **denied**.

The relevant discovery requests were filed in March 2020. On March 20, 2020, Mr. Keeylen filed his Request for Interrogatories for Defendant J. Grimes. *See* dkt 216. On March 23, 2020, Mr. Keeylen filed his Request for Admission for Defendant J. Grimes. *See* dkt 217.

These requests were made before Mr. Grimes was a party in this case. Mr. Grimes was first named as a defendant in the Second Amendment Complaint which was filed on April 3, 2020. Dkt. 221. On June 30, 2020, the Court issued an Entry Screening Second Amended Complaint and Directing Further Proceedings, allowing Mr. Keeylen to proceed against Mr. Grimes. Dkt. 245.

Mr. Grimes argues that Mr. Keeylen is not entitled to any relief because the discovery requests served prior to June 30, 2020, were premature. Mr. Grimes served his response to the written discovery requests on September 21, 2020. Dkt. 272 at p. 2.

The record reflects that Mr. Keeylen's discovery requests to Mr. Grimes were premature. Mr. Grimes has now responded to those requests. These facts are insufficient to support a motion for summary judgment or to deem a request for admissions admitted. Accordingly, Mr. Keeylen's motion for summary judgment, dkt [265], and motion to accept as true requests for admissions, dkt [268], are **denied**.

**SO ORDERED.**

Date: 11/3/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

VICTOR KEEYLEN  
950970  
PENDLETON - CF  
PENDLETON CORRECTIONAL FACILITY  
Electronic Service Participant – Court Only

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